

From: Fleming, Hannah-Kaye
Sent: Thursday, July 3, 2025 4:10 PM
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Subject: Powin Bankruptcy - Arevon 365(n) Reservation

Van,

As you are aware, our firm represents Arevon Energy, Inc. Arevon owns and controls SCS Van Wyck 012823 Croton On Hudson, LLC ("SCS Van Wyck"). Arevon acquired SCS Van Wyck from its former subsidiary Sol Systems.

SCS Van Wyck and Powin are parties to an ESA and LTSA (the "Agreements"). Pursuant to the Agreements, Powin granted SCS Van Wyck a license to use, among other things, any of Powin's intellectual property in and to the technology for certain energy storage system equipment, as more specifically set forth in the Agreements. Pursuant to the Rejection Motion, Powin seeks to reject the Agreements as of the Petition Date.

In the event the Court grants the Rejection Motion, Arevon elects to retain its rights under the Agreements for the duration of the Agreements pursuant to 11 U.S.C. § 365(n)(1)(B). Please also take notice that Arevon reserves its right to continue using any trademark licenses

granted under the Agreements pursuant to 11 U.S.C. § 365(g). *See Mission Product Holdings, Inc. v. Tempnology*, 139 S. Ct. 1652, 1662-66 (2019) (“A debtor’s rejection of an executory contract in bankruptcy has the same effect as a breach of that contract outside of bankruptcy. Such an act cannot rescind rights that the contract previously granted.”)

To the extent the Court approves the Rejection Motion, please consider this e-mail correspondence formal notice of Arevon’s 365(n) election.

Lastly, Arevon intends to file a reservation of rights in response to the Debtors’ Rejection Motion expressly reserving its rights as set forth herein.

Please do not hesitate to let me know if you have any questions or would like to discuss further.

Thank you,

Hannah-Kaye
Hannah-Kaye Fleming

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